

## REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed May 5, 2005. Claims 1, 3 and 5-15 are rejected. An RCE application accompanies this Amendment. In this Amendment, claims 1, 6, 7, and 11 have been amended. New claims 18-24 have been added. Support for the amendments and the new claims can be found in the Specification at page 10, lines 4-11, page 11, lines 3-25. Thus, no new matter has been added. Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

The Examiner has rejected claims 1, 3, and 5-15 under 35 U.S.C. §103(a) as being unpatentable over Hoebeke, et al., (USPN 5,898,670, hereinafter “Hoebeke”) in view of “ATM Technology Overview” to Thorne (“Thorne”). As discussed below, the pending claims are patentable over the above reference.

Hoebeke discloses a burst traffic multiplexing arrangement in which:

The available capacity, i.e. the minimum of the multiplexer throughput capacity and the available output flow bandwidth DMAX, is shared between all input flows IF1, . . . , IFI, . . . , IFN. The master monitoring unit MMU thereto uses a fairness algorithm but the description thereof, as already said in the introductory part, goes beyond the scope of this application.” (Hoebeke, col. 6, lines 8-13).

Hoebeke further discloses:

As a result, changes in the available bandwidth or capacity on the output link are known by the arrangement and the maximum input buffer reading rate of all input buffers is adapted so that the complete capacity is shared between all input flows at any moment. If the output flow capacity on the link to the destination node is reduced, the maximum input buffer reading rates at which the input buffers are served, are reduced equivalently. The master monitoring unit therefore distributes the available output capacity in accordance with predetermined fairness algorithm amongst all input flows. (Hoebeke, col. 3, lines 9-18). (emphasis added).

Thus, Hoebeke merely discloses using a predetermined fairness algorithm amongst all

input flows. Indeed, the background section of Applicants' application describes the problems associated with the fairness algorithm:

If channel 42 has a fixed bandwidth, the sum of the voice cell rate ( $R_1$ ) 216 and workstation cells rate ( $R_2$ ) 217 would be equal to  $BW_A$  218.  $R_1$  216 would be equal the fixed bandwidth ( $BW_F$ ) 214 required by telephone 201.  $R_2$  217 would equal the variable bandwidth ( $BW_V$ ) 215 provided by rate controller 205. Cell selector 212; therefore, would output cells at a rate equal to  $BW_A$  218 of channel 42.... However, if  $BW_A$  218 of channel 42 is decreased to a new lower value, then cell selector 212 accepts cells at a lower data rate by decreasing  $R_1$  216 to a new lower value and decreasing  $R_2$  217 to a new lower value. The decreases in  $R_1$  216 and  $R_2$  217 are typically proportional to the decrease of  $BW_A$  218. Rate controller 205 compensates for the decrease of  $R_2$  217 so queue 206 experiences no congestion. However a decrease of  $BW_A$  218 causes voice cells from telephone 201 to experience congestion at voice queue 203.

(Specification, p. 3, lines 15-20, p. 4, lines 1-9).

Thus, Hoebeke does not teach or suggest and does not teach or suggest "selecting first and second queued cells for transmission based upon an associated priority, wherein the first queued cells have a higher transmission priority than the second queued cells", as claimed in independent claims 1, 6 and 11.

Thorne does not supply this missing element. Thorne merely discloses an overview of ATM having four service classes – constant bit rate, variable bit rate, available bit rate, and unspecified bit rate. Thorne is silent about, and therefore, does not teach or suggest, selecting first and second queued cells for transmission based upon an associated priority, wherein the first queued cells have a higher transmission priority than the second queued cells, as claimed.

Therefore independent claims 1, 6 and 11, and associated dependent claims 3, 5, 7-10, 12-15, 18-22 are not obvious over the combination of Hoebeke and Thorne.

Applicants respectfully submit that the applicable rejections and objections have been overcome.

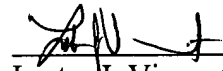
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Dated: November 7, 2005



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